

IN THE SENATE

SENATE BILL NO. 1027

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION SCHOLARSHIPS; REPEALING SECTION 33-3722, IDAHO CODE, RELATING TO THE STUDENT EDUCATION INCENTIVE LOAN FORGIVENESS CONTRACT; AMENDING SECTION 33-4301, IDAHO CODE, TO REVISE THE SHORT TITLE; AMENDING SECTION 33-4302, IDAHO CODE, TO ESTABLISH THE ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIP PROGRAM, TO REVISE PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR THE ARMED FORCES AND PUBLIC SAFETY SCHOLARSHIP PROGRAM, TO DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 33-4302A, IDAHO CODE, RELATING TO PUBLIC SAFETY OFFICER DEPENDENT SCHOLARSHIPS; REPEALING SECTION 33-4303, IDAHO CODE, RELATING TO THE IDAHO ROBERT R. LEE PROMISE SCHOLARSHIP PROGRAM; REPEALING SECTION 33-4304, IDAHO CODE, RELATING TO PUBLIC POLICY; REPEALING SECTION 33-4305, IDAHO CODE, RELATING TO PURPOSES; REPEALING SECTION 33-4306, IDAHO CODE, RELATING TO DEFINITIONS; REPEALING SECTION 33-4307, IDAHO CODE, RELATING TO ELIGIBILITY, MAXIMUM AMOUNTS AND CONDITIONS; REPEALING SECTION 33-4308, IDAHO CODE, RELATING TO MAXIMUM NUMBER OF GRANTS; REPEALING SECTION 33-4309, IDAHO CODE, RELATING TO REMITTANCE IN CASE OF DISCONTINUED ATTENDANCE; REPEALING SECTION 33-4310, IDAHO CODE, RELATING TO PROHIBITION OF DISCRIMINATION; REPEALING SECTION 33-4311, IDAHO CODE, RELATING TO CERTIFICATIONS OF ENROLLMENT AND TERMINATION OF ATTENDANCE OF GRANT RECIPIENTS; REPEALING SECTION 33-4312, IDAHO CODE, RELATING TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AS ADMINISTRATIVE AGENCIES; REPEALING SECTION 33-4313, IDAHO CODE, RELATING TO DUTIES OF THE BOARD; REPEALING SECTION 33-4314, IDAHO CODE, RELATING TO THE APPOINTMENT OF ADMINISTRATOR AND STAFF; REPEALING SECTION 33-4315, IDAHO CODE, RELATING TO NO CONTROL OF NONPUBLIC INSTITUTIONS WHICH ACCEPT GRANT RECIPIENTS; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4303, IDAHO CODE, TO ESTABLISH THE IDAHO OPPORTUNITY SCHOLARSHIP, TO PROVIDE FOR PURPOSE, TO DEFINE TERMS, TO PROVIDE FOR RULES, TO PROVIDE FOR ELIGIBILITY, TO PROVIDE FOR USE OF FUNDS, TO ESTABLISH LIMITS ON COSTS, TO PROVIDE FOR AWARD PAYMENTS, TO ESTABLISH PROVISIONS RELATING TO REMITTANCE, TO PROVIDE FOR THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT AND TO PROVIDE FOR AN EVALUATION; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4304, IDAHO CODE, ESTABLISHING PROVISIONS RELATING TO SCHOLARSHIP PROGRAM REPORTING REQUIREMENTS; REPEALING CHAPTER 46, TITLE 33, IDAHO CODE; REPEALING CHAPTER 56, TITLE 33, IDAHO CODE; AMENDING SECTION 33-2101A, IDAHO CODE, TO REMOVE CODE REFERENCES; AND PROVIDING EFFECTIVE DATES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section [33-3722](#), Idaho Code, be, and the same is hereby repealed.

1 SECTION 2. That Section 33-4301, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 33-4301. SHORT TITLE. This act may be cited as "The ~~POW/MIA Scholar-~~  
4 ~~ship Act of 1972~~ Scholarships and State Aid Act."

5 SECTION 3. That Section 33-4302, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 33-4302. ~~SCHOLARSHIPS -- STATE AID ARMED FORCES AND PUBLIC SAFETY OF-~~  
8 ~~FICER SCHOLARSHIPS.~~ (1) The following individuals shall be eligible for the  
9 scholarship program provided for herein:

10 (a) Any spouse or child of any Idaho citizen who, while such person is or  
11 was a resident of the state of Idaho, has been determined by the federal  
12 government to be a prisoner of war or missing in action; or to have died  
13 of, or become totally and permanently disabled by, injuries or wounds  
14 sustained in action in any area of armed conflict in which the United  
15 States is a party; and

16 (b) Any spouse or child of any member of the armed forces of the United  
17 States who is stationed in the state of Idaho on military orders and  
18 who is deployed from the state of Idaho to any area of armed conflict in  
19 which the United States is a party and who has been determined by the  
20 federal government to be a prisoner of war or missing in action; or to  
21 have died of, or become totally and permanently disabled by, injuries or  
22 wounds sustained in action as a result of such deployment.

23 (c) Any spouse or child of a full-time or part-time public safety offi-  
24 cer, as defined in subsection (d) of this section, employed by or vol-  
25 unteering for the state of Idaho or for a political subdivision of the  
26 state of Idaho, which public safety officer is or was a resident of the  
27 state of Idaho at the time such officer was killed or totally and perma-  
28 mently disabled in the line of duty. The death or disability shall have  
29 occurred on or after January 1, 1975. The scholarship provided for in  
30 this section shall not be available unless it is determined that:

31 (i) The death or disablement of the public safety officer oc-  
32 curring in the performance of the officer's duties;

33 (ii) The death or disablement was not caused by the intentional  
34 misconduct of the public safety officer or by such officer's in-  
35 tentional infliction of injury; and

36 (iii) The public safety officer was not voluntarily intoxicated at  
37 the time of death.

38 (d) For purposes of this section the following terms have the following  
39 meanings:

40 (i) "Public safety officer" means a peace officer or firefighter,  
41 a paramedic or emergency medical technician as those terms are de-  
42 defined in section 56-1012, Idaho Code.

43 (ii) "Volunteering" means contributing services as a bona fide  
44 member of a legally organized law enforcement agency, fire depart-  
45 ment or licensed emergency medical service provider organization.

46 (2) (a) To be eligible for the scholarship provided for herein, a child  
47 of a military member or a public safety officer must be a resident of the  
48 state of Idaho and must have completed secondary school or its equiva-

1       lent in the state of Idaho. A child already born, or born after a mil-  
2       itary member or public safety officer is determined to be imprisoned or  
3       missing in action, or is killed or becomes totally and permanently dis-  
4       abled, shall be eligible for this scholarship;

5       (b) To be eligible for the scholarship provided for herein, the spouse  
6       of a military member or public safety officer must be a resident of the  
7       state of Idaho and must have been married to such person at the time the  
8       military member or public safety officer was determined to be impris-  
9       oned or missing in action, or was killed or became totally and perma-  
10      nently disabled. Provided however, that in the situation of disabil-  
11      ity, the spouse must be currently married to such person.

12      (3) An eligible individual who applies for the scholarship provided for  
13      herein shall, after verification of eligibility, receive the scholarship  
14      and be admitted to attend undergraduate studies at any public institution  
15      of higher education or public professional-technical college within the  
16      state of Idaho without the necessity of paying tuition and fees therefor;  
17      such student shall be provided with books, equipment and supplies necessary  
18      for pursuit of such program of enrollment not to exceed five hundred dollars  
19      (\$500) per quarter, semester, intensified semester, or like educational pe-  
20      riod; such student shall be furnished on-campus housing and subsistence for  
21      each month he or she is enrolled full-time under this program and actually  
22      resides in such on-campus facility; provided, however, that such undergrad-  
23      uate educational benefits shall not exceed a total of thirty-six (36) months  
24      or four (4) nine (9) month periods. Provided further, that the initiation of  
25      such educational benefits shall extend for a period of ten (10) years after  
26      achieving a high school diploma or its equivalency, or for a period of ten  
27      (10) years after the event giving rise to the eligibility for the scholar-  
28      ship, whichever is longer.

29      (4) The eligible individual shall meet such other educational quali-  
30      fications as such institution of higher education or professional-techni-  
31      cal college has established for other prospective students of this state, as  
32      well as any additional educational qualifications established by the state  
33      board of education and board of regents of the university of Idaho.

34      (5) Application for eligibility under this section shall be made to  
35      the state board of education and the board of regents of the university of  
36      Idaho or the state board of vocational-technical education. The board shall  
37      verify the eligibility of the applicant and communicate such eligibility to  
38      such person and the affected institution or college.

39      (6) Affected institutions shall in their preparation of future budgets  
40      include therein costs resultant from such tuition, fee, book, equipment,  
41      supply, housing and subsistence loss for reimbursement thereof from appro-  
42      priations of state funds.

43      (7) For the purposes of this section, a member of the armed forces of the  
44      United States is considered totally and permanently disabled if at the time  
45      of application a current disability determination made by the United States  
46      social security administration is in effect with respect to such individual.

47      (8) The state board of education and board of regents of the university  
48      of Idaho may adopt rules to implement and administer the scholarship program  
49      provided for in this section.

1       SECTION 4. That Section [33-4302A](#), Idaho Code, be, and the same is hereby  
2 repealed.

3       SECTION 5. That Sections [33-4303](#) through [33-4315](#), Idaho Code, be, and  
4 the same are hereby repealed.

5       SECTION 6. That Chapter 43, Title 33, Idaho Code, be, and the same is  
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
7 ignated as Section 33-4303, Idaho Code, and to read as follows:

8       33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this sec-  
9 tion are to:

10       (a) Recognize that all Idaho citizens benefit from an educated citi-  
11 zenry;

12       (b) Increase individual economic vitality and improve the overall  
13 quality of life for many of Idaho's citizens;

14       (c) Provide access to eligible Idaho postsecondary education through  
15 funding to remove financial barriers;

16       (d) Increase the opportunity for economically disadvantaged Idaho stu-  
17 dents; and

18       (e) Incentivize students to complete a postsecondary education degree  
19 or certificate.

20       (2) For the purposes of this section the following definitions shall  
21 apply:

22       (a) "Educational costs" means the dollar amount determined annually  
23 by the state board of education as necessary for student tuition, fees,  
24 books and such other expenses reasonably related to attendance at an  
25 eligible Idaho postsecondary educational institution.

26       (b) "Eligible Idaho postsecondary educational institution" means: A  
27 public postsecondary organization governed or supervised by the state  
28 board, the board of regents of the university of Idaho, a board of  
29 trustees of a community college established pursuant to the provisions  
30 of chapter 21, title 33, Idaho Code, or the state board for profes-  
31 sional-technical education or any educational organization located in  
32 Idaho that is:

33           (i) Operated privately;

34           (ii) Classified as not-for-profit under state law;

35           (iii) Under the control of an independent board and not directly  
36 controlled or administered by a public or political subdivision;  
37 and

38           (iv) Accredited by an organization recognized by the state board  
39 as provided in section 33-2402, Idaho Code.

40       (c) "Eligible student" means a student who:

41           (i) Is an Idaho resident as defined in section 33-3717B, Idaho  
42 Code;

43           (ii) Has or will graduate from an accredited high school or its  
44 equivalent in Idaho as determined by the state board;

45           (iii) Has enrolled or applied to an eligible Idaho postsecondary  
46 educational institution;

(iv) Is a postsecondary undergraduate student who has not previously completed a baccalaureate (bachelor's) degree or higher; and

(v) Meets need and merit criteria as set by the state board.

"Eligible student" also means a student who has met the eligibility requirements and was awarded an opportunity scholarship prior to June 30, 2014. Continued eligibility shall be based upon the eligibility requirements at the time of the original award.

(d) "Opportunity scholarship program" means the scholarship program described in this section and in the rules established by the state board.

(e) "Shared model of responsibility" means a model set by the board to determine the required and expected contributions of the student, the student's family and available federal financial aid.

(f) "State board" means the state board of education.

(3) The state board shall promulgate rules to determine student eligibility, academic and financial eligibility, a process for eligible students to apply, amount of awards, how eligible students will be selected and when the awards shall be made, as well as other rules necessary for the administration of this section.

(4) An eligible student must:

(a) Apply or have applied for federal student financial assistance available to an eligible student who will attend or is enrolled in an eligible Idaho postsecondary educational institution; and

(b) Meet need and merit criteria established by the state board in rule.

(5) Funds that are available for the opportunity scholarship program shall be used to provide scholarships based upon a shared model of responsibility between the scholarship recipient and the recipient's family, the federal government and the participating eligible Idaho postsecondary educational institution that the recipient attends for covering the educational costs.

(6) The opportunity scholarship award shall not exceed the actual educational costs at the eligible Idaho postsecondary educational institution that the student attends. The amount of scholarship shall not exceed the educational costs established by the state board.

(7) Award payments shall be made annually to an eligible Idaho postsecondary educational institution. In no instance may the entire amount of an award be paid to or on behalf of such student in advance.

(8) If an eligible student becomes ineligible for a scholarship under the provisions of this chapter, or if a student discontinues attendance before the end of any semester, quarter, term or equivalent, covered by the award after receiving payment under this chapter, the eligible Idaho postsecondary educational institution shall remit, up to the amount of any payments made under this program, any prorated tuition or fee balances to the state board.

(9) There is hereby created an account in the state treasury to be designated the opportunity scholarship program account.

(a) The account shall consist of moneys appropriated to the account by the legislature, moneys contributed to the account from other sources and the earnings on such moneys. The executive director of the state

board may receive on behalf of the state board any moneys or real or personal property donated, bequeathed, devised or conditionally granted to the state board for purposes of providing funding for such account. Moneys received directly or derived from the sale of such property shall be deposited by the state treasurer in the account.

(b) Earnings from moneys in the account or specified gifts shall be distributed annually to the state board to implement the opportunity scholarship program as provided for under the provisions of this chapter.

(c) All moneys placed in the account and earnings thereon are hereby perpetually appropriated to the state board for the purpose described in subsection (9) (b) of this section. All expenditures from the account shall be paid out in warrants drawn by the state controller upon presentation of the proper vouchers. Up to fifty thousand dollars (\$50,000) of the annual earnings distribution to the state board may be used by the state board annually for administrative costs related to the implementation of the provisions of this chapter.

(d) Allowable administrative costs include, but are not limited to, operating expenses for the implementation and maintenance of a database, operating expenses to administer the program, personnel costs necessary to administer the program and costs related to promoting awareness of the program.

(e) Any unused annual funds shall be deposited into the opportunity scholarship program account.

(f) Pending use, surplus moneys in the account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code. Interest earned on the investments shall be returned to the account.

(10) The effectiveness of the Idaho opportunity scholarship will be evaluated by the state board on a regular basis. This evaluation will include annual data collection as well as longer-term evaluations.

SECTION 7. That Chapter 43, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-4304, Idaho Code, and to read as follows:

33-4304. SCHOLARSHIP PROGRAM REPORTING REQUIREMENTS. All eligible institutions participating in the scholarships and state aid programs shall report student level data on the effectiveness of the program. The data reported shall be established by the state board of education.

SECTION 8. That Chapter 46, Title 33, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Chapter 56, Title 33, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 33-2101A, Idaho Code, be, and the same is hereby amended to read as follows:

1        33-2101A. JUNIOR COLLEGE SHALL MEAN COMMUNITY COLLEGE. Notwith-  
2 standing any other provision of law, in sections 21-805, 21-806, 21-809,  
3 23-404, 31-808, 33-101, 33-107, 33-107B, 33-601, 33-1252, 33-2101, 33-2102,  
4 33-2103, 33-2104, 33-2105, 33-2106, 33-2107, 33-2107A, 33-2107B, 33-2107C,  
5 33-2108, 33-2109A, 33-2110, 33-2110A, 33-2110B, 33-2111, 33-2112, 33-2113,  
6 33-2114, 33-2115, 33-2116, 33-2117, 33-2118, 33-2119, 33-2121, 33-2122,  
7 33-2123, 33-2124, 33-2125, 33-2126, 33-2130, 33-2135, 33-2137, 33-2138,  
8 33-2139, 33-2141, 33-2142, 33-2143, 33-2144, 33-2211, 33-3716, 33-4001,  
9 33-4003, 33-4004, 33-4006, 33-4201, ~~33-4306, 33-4315,~~ 46-314, 50-1721,  
10 57-1105A, 59-1324, 59-1371, 59-1374, 67-2320, 67-2322 and 67-5332, Idaho  
11 Code, the term "junior college" shall mean and shall be denoted as "community  
12 college."

13        SECTION 11. Sections 5, 6, 8 and 9 of this act shall be in full force and  
14 effect on and after July 1, 2014. Sections 1, 2, 3, 4, 7 and 10 of this act  
15 shall be in full force and effect on and after July 1, 2013.